

WHITE-TAILED DEER AND EXOTIC MAMMAL RULE PACKAGE

SUMMARY

312 IAC 9-3-2

Adds a provision to clarify that white-tailed deer possessed under the authority of a game breeder license cannot be hunted. Indiana citizens wishing to possess white-tailed deer, for any purpose, must obtain a Game Breeder's License issued by the Indiana DNR (IC 14-22-20 and 312 IAC 9-10-4). The scope of the Game Breeder's License is limited to the propagation of an animal in captivity or the possession, purchase or sale of an animal solely for the purpose of propagation. A Game Breeder's License does not allow the hunting or purposeful killing of deer maintained under that license.

312 IAC 9-3-18.5

Adds a new administrative rule that prohibits the taking of exotic mammals and intentionally releasing them into the wild in Indiana. This new rule prohibits the hunting of exotic mammals such as fallow deer, elk, antelope, and zebra in Indiana. Exotic mammals that are lawfully possessed would not be able to be intentionally released into the wild in Indiana; if one escapes, a conservation officer would have to be notified within 24 hours. Wild boar would be allowed to be taken at any time due to disease concerns and the potential for damage to property. Other species of exotic mammals would be able to be taken by a landowner or tenant when causing damage to property. This new rule also authorizes the possession of exotic mammals from a family listed in this rule only as allowed by statute or administrative rule. This list of families of exotic mammals is designed to include all species of mammals found throughout the world that could potentially be possessed in captivity and hunted.

312 IAC 9-10-21

Adds a new administrative rule establishing an exotic mammal possession permit to allow the possession of exotic species from the cervidae family only, including such species as fallow deer, elk, and caribou. This permit is needed to allow for the lawful possession of these species of animals and to protect Indiana's wild white-tailed deer population. The DNR does not currently allow the possession of these species of exotic mammals under any type of permit. Furthermore, if they are not licensed by the U.S. Dept. of Agriculture - APHIS - Animal Care as a breeder, dealer or exhibitor, a person would not be able to possess these species of animals, even as pets in Indiana, under proposed rule language in 312 IAC 9-3-18.5. These provisions are consistent with those for the game breeder license issued by the Division of Fish and Wildlife governing the possession of white-tailed deer.

PROPOSED RULE LANGUAGE

312 IAC 9-3-2 General requirements for deer; exemptions; tagging; tree blinds; maximum taking of antlered deer in a calendar year

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 2. (a) This section and sections 3 through 10 of this rule govern the hunting, transportation, and disposal of deer.

(b) Species of deer other than white-tailed deer (*Odocoileus virginianus*) are exempted from this section and sections 3 through 9 of this rule. A person who claims the exemption provided under this subsection must prove the deer is other than a white-tailed deer.

(c) The licenses identified by sections 3 through 8 of this rule are nonexclusive. An individual may apply for one (1) or more of these licenses.

(d) Before September 1, 2007, a person must not take more than one (1) antlered deer during the seasons for an annual deer license.

(e) The use or aid of a food product that is transported and placed for consumption, salt, mineral blocks, prepared solid or liquid intended for ingestion (herein called bait), snares, dogs, or other domesticated animals to take deer is prohibited. A person must not hunt by the aid of bait or on or over a baited area. An area is considered baited for ten (10) days after the removal of the bait or the baited soil. Hunting an orchard or another area, which may be attractive to deer as the result of normal agricultural activity, is not prohibited. The use of manufactured scents and lures or similar chemical or natural attractants is not prohibited.

(f) The hunting of white-tailed deer possessed under the authority of a game breeder license pursuant to 312 IAC 9-10-4 is prohibited.

~~(f)~~(g) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt deer unless the person possesses a completed and signed license bearing the person's name. The license must be accompanied by a temporary transportation tag bearing the license number and the year of issuance. A person must not hunt with a deer license or tag issued to another person.

~~(g)~~(h) The temporary transportation tag described in subsection (f) must, immediately upon taking a deer, be notched as to the sex of the deer and the month and day of the kill. A tag that is notched other than three (3) times is void. A person must not tag a deer other than with a tag issued to the person who took the deer. A deer leg must be tagged before leaving the field. A deer that is in the field is not required to be tagged if the person who kills the deer maintains immediate custody of, and constant visual contact with, the deer carcass.

~~(h)~~(i) A person who takes a deer must cause delivery of the deer carcass to an official checking station for registration on the occurrence of the earlier of one (1) of the following:

- (1) Within forty-eight (48) hours of taking of the deer.
- (2) Before the deer is removed from this state.

The person who delivers the deer carcass to an official checking station for registration must provide accurate information for the check station logs.

~~(i)~~(j) After the checking station operator records the permanent seal number on the log and collects the upper portion of the license, where applicable, along with the temporary transportation tag, the hunter is provided with that seal. The seal must be affixed by the hunter and sealed to prevent its removal (without cutting the seal or the body part to which it is affixed), before processing of the deer begins, by affixing the seal:

- (1) between a tendon and bone;
- (2) through a section of skin or flesh; or
- (3) around a branched antler.

~~(j)~~(k) The checking station operator must accurately and legibly complete all forms provided by the department and must make those forms available to department personnel upon request.

~~(k)~~(l) An individual authorized to act under this subsection must attach to a deer carcass a paper that states the name and address of the individual and the date and sex of the deer taken. The requirements of subsections (f) through (g) also apply except to the extent those subsections identify the physical characteristics of a tag. The individuals authorized to act under this subsection are as follows:

- (1) A lifetime license holder.
- (2) A youth license holder.
- (3) For a deer taken on a landowner's land, each of the following:
 - (A) The resident landowner.
 - (B) The spouse of the resident landowner.
 - (C) A child of the resident landowner who is living with the landowner.
- (4) For a deer taken on farmland leased from another person, each of the following:
 - (A) The resident lessee who farms the land.
 - (B) The spouse of the resident lessee.
 - (C) A child of the resident lessee who is living with the lessee.
- (5) An Indiana serviceman or servicewoman who is hunting under IC 14-22-11-11.

~~(m)~~ (m) A person must not erect, place, or hunt from a permanent tree blind on state-owned lands. A tree blind placed on stateowned or state-leased lands, U.S. Forest Service lands, the Muscatatuck National Wildlife Refuge, or the Big Oaks National Wildlife Refuge must be portable and may be left overnight only between September 1 and January 10. A fastener used in conjunction with a tree blind and a tree or pole climber that penetrates a tree more than one-half (1/2) inch is prohibited. Each portable tree blind must be legibly marked with the name, address, and telephone number of the owner of the tree blind.

~~(n)~~ (n) The head of a deer must remain attached to the carcass until the tag is attached and locked at the deer checking station.

~~(o)~~ (o) The use of infrared sensors to locate or take deer is prohibited. It is unlawful to hunt or to retrieve deer with the aid of an infrared detector.

~~(p)~~ (p) Notwithstanding subsection (e), dogs may be used only while on a leash to track or trail wounded deer.

~~(q)~~ (q) Notwithstanding subsection (e), donkeys, mules, and horses may be used for transportation to and from a hunt but may not be used while hunting.

~~(r)~~ (r) The possession of an electronic deer call is prohibited. A person must not hunt deer with the aid of an electronic deer call.

(Natural Resources Commission; 312 IAC 9-3-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2702; filed Dec 26, 2001, 2:40 p.m.: 25IR 1528; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 536)

312 IAC 9-3-18.5 Exotic mammals

Authority: IC 14-22-2-6, IC 14-22-32-6

Affected: IC 14-22

Sec. 18.5. (a) A person must not take, as defined by IC 14-8-2-278, an exotic mammal that is a species from any of the following families of mammals:

- (1) Bradypodidae (tree sloth).
- (2) Bovidae (gazelle, big-horn sheep, antelope, and wildebeest), except for domestic cattle (genus *Bos*, including all dairy and beef animals) and buffalo (*Bison bison*).
- (3) Camelidae (camel and llama).
- (4) Canidae (jackal, wild dog, and other exotic foxes).
- (5) Cebidae (marmoset).
- (6) Cercopithecidae (baboon and monkey).
- (7) Cervidae (elk, moose, caribou and other exotic deer).
- (8) Dasypodidae (armadillo)
- (9) Elephantidae (elephant).
- (10) Equidae (wild horse and zebra), except for domestic horses.
- (11) Felidae (mountain lion, lynx, tiger, and other exotic cats).
- (12) Giraffidae (giraffe and okapi).
- (13) Hippopotamidae (hippopotamus).
- (14) Hyaenidae (hyaena).
- (15) Lorisidae (potto and bushbaby).
- (16) Macropodidae (kangaroo and wallaby).
- (17) Manidae (pangolin).
- (18) Mustelidae (otter, weasel, polecat and badger).
- (19) Myrmecophagidae (anteater).
- (20) Orycteropodidae (aardvark).
- (21) Pongidae (chimpanzee, bonobo and gorilla).
- (22) Procaviidae (hyrax).
- (23) Procyonidae (ring-tail cat and coatimundi).
- (24) Protelidae (aardwolf).

- (25) Rhinocerotidae (rhinocerus).
- (26) Suidae (wild boar and other exotic swine), except for domestic swine.
- (27) Tapiridae (tapir).
- (28) Tayassuidae (javelina and peccary).
- (29) Tragulidae (chevrotain).
- (30) Ursidae (bear).
- (31) Viverridae (civet, genet and mongoose).
- (32) A hybrid or genetically altered mammal of any of these families.

(b) Notwithstanding subsection (a), a person may take an exotic mammal only under one of the following:

- (1) the exotic mammal is taken by a resident landowner or tenant while causing damage to property that is owned or leased by the landowner or tenant;
- (2) the exotic mammal is a species from the family Suidae and has been released or escaped from captivity or is a member of a breeding population in the wild; or
- (3) the exotic mammal is a species from the family bovidae, camelidae or cervidae and slaughtered in accordance with IC 15-2.1-24.

(c) A person may not possess an exotic mammal that is a species from a family listed in subsection (a) except as otherwise provided by statute or by this article.

(d) A person may not release an exotic mammal that is a species from a family listed in subsection (a) into the wild in Indiana except as otherwise provided by statute or by this article. A person must report the escape of any exotic mammal listed in subsection (a) to a conservation officer within twenty-four (24) hours.

(e) As used in this rule, "exotic mammal" means a species that is:

- (1) not native to Indiana; or
- (2) extirpated from Indiana and either:
 - (A) a wild animal; or
 - (B) a feral animal other than a dog or cat.

312 IAC 9-10-21 Exotic Mammal Possession Permit

Authority: IC 14-22-2-4, IC 14-22-2-6, IC 14-22-6-1, IC 14-22-32

Affected: IC 14-22

Sec. 21. (a) Except as provided in subsection (b), this section establishes the requirements that a person must satisfy to possess one (1) or more species of exotic mammals from the cervidae family.

(b) Exempted from this section is an accredited zoological park, circus, carnival, or research facility licensed under 9 CFR Chapter 1, Subchapter A.

(c) An application for an exotic mammal possession permit for one (1) or more of the following species of exotic mammals in the cervidae family (common names are included for public convenience, but the scientific names control) must be made on a departmental form:

- (1) Deer (*all species, except white-tailed deer*)
- (2) Elk (*Cervus canadensis*)
- (3) Caribou (*all species, including reindeer*)
- (4) Moose (*Alces alces*)
- (5) A hybrid or genetically altered mammal of any of the cervidae family.

(d) Each cage or enclosure will be inspected by a conservation officer before a permit may be issued. An application for a permit under this section must be made within five (5) days after the acquisition of an animal within Indiana or within five (5) days after the importation of an animal into Indiana.

(e) The enclosure must have a perimeter fence consisting of at least a single eight (8) foot fence. Each cage or enclosure used to house animals shall be large enough to provide each animal with ample space for exercise and to avoid overcrowding. All chain link or welded wire edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired. Night quarters, holding pens, and nesting boxes may not be used as primary housing. Fresh water, rainproof dens, nest boxes, windbreaks, shelters, shade, and bedding shall be provided as required for the comfort of the particular species of animal. Each animal shall be handled, housed, and transported in a sanitary and humane manner. An enclosure used to house the animals must be provided with sufficient drainage to prevent standing water from accumulating. The cages or other enclosures must be made available upon request for inspection by a conservation officer.

(f) Each animal possessed under this section must be lawfully acquired. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition shall be presented for inspection upon the request of a conservation officer. Documentation in the form of a copy of a valid exotic mammal possession permit or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of the animals.

(g) A permit holder must report the escape of any mammal possessed under this section to a conservation officer within twenty-four (24) hours. No animals possessed under this section may be released.

(h) A permit holder must comply with all applicable state, local or other federal laws. An animal possessed under this section may be administered a pharmaceutical product approved by a state or federal agency for the purpose of prevention or treatment of malnutrition, illness, disease, injury, or stress. A licensed veterinarian may administer to an animal an immobilizing agent, tranquilizer, or drug for euthanasia in compliance with all state and federal laws.

(i) A known diseased wild animal possessed under this section shall not be sold.

(j) A permit holder shall do the following:

- (1) Record all transactions by which a wild animal possessed under this section is sold, traded, loaned, bartered or given to another person on a departmental form or computerized record.**
- (2) Keep a copy of the transaction record on the premises of the permit holder for at least two (2) years after the transaction and a copy must be provided to a conservation officer upon request.**
- (3) Issue a valid, dated receipt for all animals sold, traded, bartered or gifted and include the following information:**
 - (A) Exotic mammal possession permit number.**
 - (B) Buyer and seller name and address.**
 - (C) Number of animals sold.**
 - (D) Species of animal sold.**

(k) A permit expires on December 31 of the year the permit is issued. The permit holder shall provide an annual report to the division by February 15. The annual report shall include for each species possessed under this permit the following information:

- (1) number bought.**

- (2) number sold.**
- (3) number born.**
- (4) number traded.**
- (5) number gifted.**
- (6) number of deaths.**
- (7) number on hand.**

(l) A conservation officer may enter the premises of the permit holder at all reasonable hours to inspect those premises and any records relative to the permit. The conservation officer shall immediately notify the permit holder if the inspection reveals that the wild animals are being kept under unsanitary or inhumane conditions. The conservation officer may make a second inspection after ten (10) days, and the permit may be suspended or revoked under IC 4-21.5 and the wild animals may be confiscated if the permit holder fails to comply with a provision of the permit.

(m) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:

- (1) A provision of a permit issued under this section.**
- (2) All applicable state, local or other federal laws.**